

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

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DOCKET NO.: 2006-1036-PWS-E TCEQ ID: RN102690302 CASE NO.: 30508

RESPONDENT NAME: R & R MOBILE HOME MANAGEMENT, INC. DBA BLESSING MOBILE HOME PARK

ORDER TYPE:

☐ 1660 AGREED ORDER☒ FINDINGS AGREED ORDER☐ FINDINGS ORDER FOLLOWING
SOAH HEARING☐ FINDINGS DEFAULT ORDER☐ SHUTDOWN ORDER☐ IMMINENT AND SUBSTANTIAL
ENDANGERMENT ORDER☐ AMENDED ORDER☐ EMERGENCY ORDER

CASE TYPE:

☐ AIR☐ MULTI-MEDIA (check all that apply)☐ INDUSTRIAL AND HAZARDOUS
WASTE☒ PUBLIC WATER SUPPLY☐ PETROLEUM STORAGE TANKS☐ OCCUPATIONAL CERTIFICATION☐ WATER QUALITY☐ SEWAGE SLUDGE☐ UNDERGROUND INJECTION
CONTROL☐ MUNICIPAL SOLID WASTE☐ RADIOACTIVE WASTE☐ DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1102 Martin Avenue, Round Rock, Williamson County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: ☒ Yes ☐ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 17, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617

Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Tel Croston, Water Enforcement Section, MC 169, (512) 239-5717

TCEQ Regional Contact: Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929

Respondent: Mr. Kip Lewis, President, R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park,
1102 Martin Avenue, Round Rock, Texas 78681

Respondent's Attorney: Not represented by counsel on this enforcement matter.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 FEB 28 PM 4:30
CHIEF CLERKS OFFICE

**RESPONDENT NAME: R & R MOBILE HOME MANAGEMENT, INC.
DBA BLESSING MOBILE HOME PARK
DOCKET NO.: 2006-1036-PWS-E**

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VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review </p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 1, 2006 and December 20, 2006</p> <p>Date of NOE Relating to this Case: June 29, 2006</p> <p>Background Facts:</p> <p>This case was referred to the State Office of Administrative Hearing, and a settlement agreement was reached before the evidentiary hearing. A signed Agreed Order was received on October 3, 2007.</p> <p>There is record of a penalty for a passed Commission Order, Docket No. 2001-1096-PWS-E for three thousand five hundred sixty-three dollars (\$3,563). While this Order was being finalized, the Respondent paid the outstanding balance of the penalty associated with Docket No. 2001-1096-PWS-E.</p> <p>PWS:</p> <p>1. Failed to collect and submit routine monthly water samples for bacteriological analysis for the months of October 2005, November 2005, December 2005, and April 2006, and failed to provide public notification of the failure to conduct monthly bacterial sampling for the months of October 2005 and April 2006 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2. Failed to pay an outstanding administrative penalty as required by a Commission Order [TCEQ Agreed Order, Docket No. 2001-1096-PWS-E].</p>	<p>Total Assessed: \$1,595</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,595</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification:</p> <p>The Respondent has four repeated enforcement actions over the prior five year period for the same violation or a substantial history of the same violation entity-wide.</p>	<p>Technical Requirements:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately, pay the outstanding balance of the penalty associated with TCEQ Agreed Order Docket No. 2001-1096-PWS-E. 2. Within 15 days, submit written certification and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with the above Ordering Provision.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

ICEQ

DATES

Assigned

17-July-2006

PCW

17-July-2006

Screening

17-July-2006

EPA Due

26-Feb-2007

RESPONDENT/FACILITY INFORMATION

Respondent R&R Mobile Home Management, Inc. dba Blessing Mobile Home Park

Reg. Ent. Ref. No. RN102690302

Facility/Site Region 11-Austin

Major/Minor Source Minor Source

CASE INFORMATION

Enf./Case ID No. 30508

Docket No. 2006-1036-PWS-E

Media Program(s) Public Water Supply

Multi-Media

Admin. Penalty \$ Limit Minimum

\$50

Maximum

\$1,000

No. of Violations 2

Order Type Findings

Enf. Coordinator Amy Martin

EC's Team Enforcement Team 2

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$1,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 45% Enhancement

Subtotals 2, 3, & 7 \$495

Notes

Enhancement due to one findings order and four prior NOV's for violations that are same or similar.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with a small x)

Notes

The respondent does not meet the good faith criteria.

Economic Benefit

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts \$121

*Capped at the Total EB \$ Amount

Approx. Cost of Compliance \$200

SUM OF SUBTOTALS 1-7

Final Subtotal \$1,595

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$1,595

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$1,595

DEFERRAL

0% Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral offered for Findings Orders.

PAYABLE PENALTY

\$1,595

Screening Date 17-July-2006

Docket No. 2006-1036-PWS-E

PCW

Respondent R&R Mobile Home Management, Inc. dba Blessing Mobile Home Park

Revision 2 (September 2002)

Case ID No. 30508

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	4	20%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	no	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	no	0%
	Participation in a voluntary pollution reduction program	no	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to one findings order and four prior NOVs for violations that are same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date 17-July-2006

Docket No. 2006-1036-PWS-E

PCW

Respondent R&R Mobile Home Management, Inc. dba Blessing Mobile Home Park

ision 2 (September 2002)

Case ID No. 30508

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.033(d)

Violation Description Failure to collect and submit routine monthly water samples for bacteriological analysis for the months of October, November, December 2005, and April 2006, and failure to provide public notification of the failure to conduct monthly bacteria sampling for the months of October 2005 and April 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

		Harm		
Release		Major	Moderate	Minor
Actual				
Potential	X			

Percent 25%

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to collect samples may result in undetected contaminated water being distributed to the public resulting in illness.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 4

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

Four monthly events are recommended based on the months of October, November, December 2005, and April 2006 for which bacteriological samples were not taken.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$121

Violation Final Penalty Total \$1,450

This violation Final Assessed Penalty (adjusted for limits) \$1,450

Economic Benefit Worksheet

Respondent R&R Mobile Home Management, Inc. dba Blessing Mobile Home Park

Case ID No. 30508

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$200	01-Oct-2005	30-Apr-2006	0.6	\$6	\$116	\$121
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost of routine sampling and to provide public notice. Date required is the first violation month. Final date is the last violation month.

Approx. Cost of Compliance TOTAL

Screening Date 17-July-2006

Docket No. 2006-1036-PWS-E

PCW

Respondent R&R Mobile Home Management, Inc. dba Blessing Mobile Home Park

ision 2 (September 2002)

Case ID No. 30508

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Enf. Coordinator Amy Martin

Violation Number 2

Primary Rule Cite(s)

TCEQ Agreed Order Docket No. 2001-1096-PWS-E

Secondary Rule Cite(s)

Violation Description

Failure to pay an outstanding administrative penalty as required by a Commission Order. Specifically, the respondent failed to pay outstanding penalty payments totaling Two Thousand Nine Hundred Fifty-Seven Dollars (\$2,957) for an Administrative Order, Docket Number 2001-1096-PWS-E, effective on October 10, 2003.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

		Harm			Percent
OR	Release	Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		X			10%

Matrix Notes

Approximately 83% of the Administrative Penalty was not paid.

Adjustment -\$900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$145

This violation Final Assessed Penalty (adjusted for limits) \$145

Economic Benefit Worksheet

Respondent R&R Mobile Home Management, Inc. dba Blessing Mobile Home Park

Case ID No. 30508

Reg. Ent. Reference No. RN102690302

Media [Statute] Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item	Date	Final	Yrs	Interest	Onetime	EB
	Cost	Required	Date		Saved	Costs	Amount
	Description	No commas or \$					
Delayed Costs							
	Equipment			0.0	\$0	\$0	\$0
	Buildings			0.0	\$0	\$0	\$0
	Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
	Land			0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
	Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
	Permit Costs			0.0	\$0	n/a	\$0
	Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN601477896	Lewis Blessing, L.P.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102690302	BLESSING MOBILE HOME PARK	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		2460031
	WATER LICENSING	LICENSE		2460031
Location:	1102 Martin Avenue, Williamson County			
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	September 5, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 05, 2001 to September 05, 2006			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Amy Martin Phone: 512-239-2540

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Lewis Blessing L. P.
4. If Yes, who was/were the prior owner(s)? R&R Mobile Home Management, Inc.
5. When did the change(s) in ownership occur? 06/27/2006

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A Effective Date: 10/10/2003 ADMINORDER 2001-1096-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to have a liquid level indicator on all clearwells & water storage tanks.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to enclose all potable water storage tanks and pressure maintenance facs. by an intruder resistant fence with lockable gates.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to ensure that the interior & exterior coating systems of all ground, elevated & pressure tanks are continuing to provide adequate protection to all metal surfaces.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

Description: Failure to provide a well capacity of .6 gal per minute per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

Description: Failure to provide a total storage capacity of 200 gals. per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)

Description: Failure to provide an elevated storage capacity of 100 gals per connection or a pressure tank capacity of 20 gals per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to secure a sanitary control easement covering that portion of the land w/in 150' of well location from all such property owners & recorded in deed records at the county courthouse.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal wellheads & pump bases by a gasket or sealing compound to prevent the possibility of contaminating the well water.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(c)(1)[G]

30 TAC Chapter 290, SubChapter F 290.111(a)

30 TAC Chapter 290, SubChapter F 290.111(c)(1)

Description: Per 2/9/99 letter, Blessing MHP classified as "providing groundwater which is under influence surface water". Until 8/00 system had to provide approved treatment to existing source or procure water

from some other approved source.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to install water system electrical wiring in a securely mounted conduit in compliance with local or national electrical code.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failure to post a legible sign at each of its production, treatment & storage facs.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(k)

Description: Failure to compile a thorough plant operations manual & keep it up to date for operator review & reference.

Classification: Moderate

Citation: 2B TWC Chapter 13, SubChapter A 13.136(a)

30 TAC Chapter 291, SubChapter B 291.21(c)(7)

30 TAC Chapter 291, SubChapter F 291.93(2)(A)

Description: Failure to ensure that it's tariff includes an approved DCP as required in 30TAC288.20.

Classification: Moderate

Citation: 2B TWC Chapter 13, SubChapter A 13.132(a)(1)

30 TAC Chapter 288, SubChapter C 288.30(3)(B)

Description: Failed to make its adopted DCP available for inspection by the E.D.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 12/21/2005 (485759)

2 05/26/2006 (485778)

3 12/01/2005 (484258)

4 01/25/2006 (485771)

5 07/13/2006 (486178)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/25/2006 (485771)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 12/2005.

Date: 12/21/2005 (485759)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 11/2005.

Date: 12/01/2005 (484258)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 10/2005.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.

Date: 05/26/2006 (485778)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 04/2006.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting any routine monitoring samples in 04/2006.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



2008 FEB 28 PM 4:30

CHIEF CLERKS OFFICE

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
R & R MOBILE HOME
MANAGEMENT, INC. DBA
BLESSING MOBILE HOME
PARK,
RN102690302

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1036-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park ("R & R Mobile Home") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and R & R Mobile Home, presented this agreement to the Commission.

R & R Mobile Home understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, R & R Mobile Home agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon R & R Mobile Home.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. At the time of the violations, R & R Mobile Home owned and operated a public water system located at 1102 Martin Avenue, Round Rock, Williamson County, Texas (the "Facility") that has 141 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on May 1, 2006, a TCEQ Central Office investigator documented that R & R Mobile Home failed to collect and submit routine monthly water samples for bacteriological analysis for the months of October 2005, November 2005, December 2005, and April 2006 and failed to provide public notification of the failure to conduct monthly bacterial sampling for the months of October 2005 and April 2006.
3. During a record review conducted on December 20, 2006, a TCEQ Austin Regional Office investigator documented that R & R Mobile Home failed to pay an outstanding administrative penalty as required by a Commission Order. Pursuant to TCEQ Agreed Order, Docket No. 2001-1096-PWS-E, which was effective October 10, 2003, a penalty of three thousand five hundred sixty-three dollars (\$3,563.00) was assessed against R & R Mobile Home. To date, two thousand nine hundred fifty-seven dollars (\$2,957.00) remains unpaid.
4. R & R Mobile Home received notice of the violation in Finding of Fact Number 2 on or about July 5, 2006.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, R & R Mobile Home is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, R & R Mobile Home has failed to collect and submit routine monthly water samples for bacteriological analysis for the months of October 2005, November 2005, December 2005, and April 2006 and failed to provide public notification of the failure to conduct monthly bacterial sampling for the months of October 2005 and April 2006, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and 290.122(c) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3, R & R Mobile Home has failed to pay an outstanding administrative penalty as required by a Commission Order, in violation of TCEQ Agreed Order, Docket No. 2001-1096-PWS-E.
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against R & R Mobile Home for violations of TEX. HEALTH & SAFETY CODE, TCEQ rules, and orders adopted under the Code.
5. An administrative penalty in the amount of one thousand five hundred ninety-five dollars (\$1,595.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). R & R Mobile Home has

paid one thousand five hundred ninety-five dollars (\$1,595.00) dollars of the administrative penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. R & R Mobile Home is assessed an administrative penalty in the amount of one thousand five hundred ninety-five dollars (\$1,595.00) as set forth in Conclusion of Law No. 5 for violations of TEX. HEALTH & SAFETY CODE ch. 341, TCEQ Agreed Order, Docket No. 2001-1096-PWS-E, and the rules of the TCEQ. The payment of this administrative penalty and R & R Mobile Home's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park; Docket No. 2006-1036-PWS-E; Enforcement ID No. 30508" to:

Financial Administration Division, Revenues
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. R & R Mobile Home shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, R & R Mobile Home shall pay the outstanding balance of the penalty associated with TCEQ Agreed Order Docket No. 2001-1096-PWS-E, in the amount of two thousand nine hundred fifty-seven dollars (\$2,957.00). This administrative penalty payment shall be payable to the "TCEQ" and shall be sent with the notation "Re: R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park; Docket No. 2001-1096-PWS-E; Enforcement ID No. 14218" to:

Financial Administration Division, Revenues
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- b. Within 15 days after the effective date of this Agreed Order, R & R Mobile Home shall submit written certification as described below, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.

The certification shall be notarized by a State of Texas Notary Public and should include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Carolyn Runyon, Water Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
2800 South IH 35, Suite 100
Austin, Texas 78704-5712

3. The provisions of this Agreed Order shall apply to and be binding upon R & R Mobile Home. R & R Mobile Home is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by R & R Mobile Home shall be made in writing to the Executive Director. Extensions are not effective until

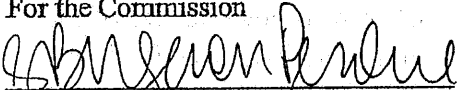
R & R Mobile Home receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to R & R Mobile Home if the Executive Director determines that R & R Mobile Home has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against R & R Mobile Home in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to R & R Mobile Home, or three days after the date on which the Commission mails notice of the Order to R & R Mobile Home, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/28/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park. I represent that I am authorized to agree to the attached Agreed Order on behalf of R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, R & R Mobile Home Management, Inc. dba Blessing Mobile Home Park waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature



Name (printed or typed)

Authorized Representative

R & R Mobile Home Management, Inc.
dba Blessing Mobile Home Park

Date

Title

10/3/07

President of General partner